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EXAMINER	
CASCHERA, ANTONIO A	

  

ART UNIT	PAPER NUMBER
2628	

  

NOTIFICATION DATE	DELIVERY MODE
09/28/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No. 10/733,406	Applicant(s) HUH ET AL.	
	Examiner Antonio A. Caschera	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 25-39 and 43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 16, 19-22 and 40-42 is/are rejected.
- 7) ☒ Claim(s) 12-15, 17, 18, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5-18-04, 11-7-05, 4-19-06, 3-30-07
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

8-14-07

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## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

### ***Election/Restrictions***

2. Applicant's election of Group I, claims 1-24 and 40-42 in the reply filed on 07/20/07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title includes a description of non-elected claims/material and therefore should be omitted.

The following title is suggested:

“Method and apparatus for generating illumination characteristic data around image display device.”

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "Step 200" on page 7, lines 24-25. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: #500 of Figure 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

6. Claims 2, 5, 6, 10 and 11 are objected to because of the following informalities:
- a. The phrase, “illumination characteristic data” of line 1 of claims 2, 6, 10 and 11 respectively, should be amended to read, “predetermined illumination characteristic data” to be consistent with the language of claim 1.
  - b. The phrase, “...wherein the information on illuminance of illumination is about dark, dim, bright and very bright phases,” of claim 5 should be modified to read, “...wherein the information on illuminance of illumination is about one of dark, dim, bright and very bright phases,” to be consistent with the language described in the specification (see page 7, lines 33-34 of Applicant’s specification). Note, the Office will interpret the claim as meaning such when applying prior art thereto.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 40-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In reference to claims 40-42, the claims recite a recording medium and a computer-readable recording medium which are specifically described in the specification as, “...carrier waves (e.g. transmissions over the Internet),” (see page 17, lines 22-29 of Applicant’s specification) which is seen as nonstatutory subject matter according to the current practices and

procedures of the Office. The Office suggests omitting the citation of associating such readable medium with "carrier waves" from the specification thereby clearly defining the medium as statutory subject matter.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6, 10, 11, 16, 19-22 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakabayashi et al. (U.S. Patent 6,628,822 B1).

In reference to claim 1, Nakabayashi et al. discloses a method of generating illumination characteristic data around an image display device (see column 1, lines 23-29, column 34, lines 48-54 and #S1, S2, 3 of Figure 2 and Figure 7), comprising:

obtaining predetermined illumination characteristic data around the image display device (see column 34, lines 48-65 and Figure 7 wherein Nakabayashi et al. discloses obtaining luminance of room light, luminance of a display monitor and lamp type data (viewing condition parameters) around or near the display monitor via a user input graphical interface); and

*making the predetermined illumination characteristic data into a data format comprising a type block and an illuminance block,*

wherein *the type block* indicates information on a type of illumination, and *the illuminance block* indicates information on the illuminance of illumination (see columns 34-35,

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lines 48-9 wherein Nakabayashi et al. explicitly discloses the viewing condition parameters to comprise of lamp type (i.e. fluorescent, incandescent, etc) and luminance level (i.e. light, normal, dark, customize) of both the level of light in the room and of the display monitor).

Although Nakabayashi et al. explicitly discloses obtaining luminance viewing condition parameters around a display monitor, Nakabayashi et al. does not explicitly disclose the parameters to be formatted into a type block and illuminance block, as recited in claim 1. The Office believes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the viewing condition parameters of Nakabayashi et al., which are equivalent to the type block and illuminance block data of the claim, in a single data format that comprises lamp type information and luminance level information since the manipulation of such data into a single component/string of data would create an easier to manage, store and access data component since it is easier and faster to store/access/process lesser amounts of data (i.e. less number of data words) than a large amount of data words. Further, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the lamp type information and luminance level information obtained by Nakabayashi et al. into a single piece of data, grouping lamp type or related information together and luminance level or related information together. Applicant has not disclosed that specifically grouping such information together in specific blocks of data provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the view condition parameters setting techniques of Nakabayashi et al. since the exact and explicit manner in which such data is stored/grouped is seen as a matter which is decided upon by the inventor and to which best suits

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the hardware/software requirements of the system performing the invention at hand. Also, the Office does not see such a limitation as providing any particular criticality towards the invention at hand so that such a limitation would provide a novel aspect of the invention. Therefore, it would have been obvious to one of ordinary skill in this art to modify Nakabayashi et al. to obtain the invention as specified in claim 1.

In reference to claim 2, Nakabayashi et al. discloses all of the claim limitations as applied to claim 1 above. Nakabayashi et al. discloses the viewing condition parameters obtained directly from a user via a graphical user interface (see column 34, lines 48-65 and Figure 7).

In reference to claims 3 and 20, Nakabayashi et al. discloses all of the claim limitations as applied to claims 2 and 19 respectively. Nakabayashi et al. explicitly discloses the viewing condition parameters to comprise of lamp type (i.e. fluorescent, incandescent, etc) and luminance level (i.e. light, normal, dark, customize) of both the level of light in the room and of the display monitor (see columns 34-35, lines 48-9 and Figure 7). Note, the Office interprets the lamp type data and luminance level data of Nakabayashi et al. functionally equivalent to the “information on the type of illumination” and “information on the illuminance of illuminance” respectively of claims 3 and 20.

In reference to claim 4, Nakabayashi et al. discloses all of the claim limitations as applied to claim 3 above. Nakabayashi et al. explicitly discloses the lamp type data to be selected from one of fluorescent, incandescent, D65, D50 or customize settings (see column 34, lines 57-60).

In reference to claim 5, Nakabayashi et al. discloses all of the claim limitations as applied to claim 3 above. Nakabayashi et al. explicitly discloses the luminance level data to be selected from one of light, normal, dark, customize settings (see column 34, lines 60-65).



In reference to claim 6, Nakabayashi et al. discloses all of the claim limitations as applied to claim 1 above. Nakabayashi et al. discloses an alternate embodiment wherein sensors read the viewing conditions around the display monitor (see column 24, lines 52-64 and S1, S2 of Figure 2).

In reference to claim 10, Nakabayashi et al. discloses all of the claim limitations as applied to claim 2 above in addition, Nakabayashi et al. explicitly discloses the parameters associated with the user interface set settings, stored in order to enable readout of parameters such as xy chromaticity point, CCT, luminance of room or luminance of monitor (see column 35, lines 10-15). Note, the Office interprets such “storing” and “enabling...readout of parameters” functionally equivalent to indexing in the utilizing of a table as claimed in claim 10. Nakabayashi et al. also explicitly discloses the type of luminance/lamp to be selected from fluorescent, incandescent, etc which further comprises CCT (correlated color temperature) values associated thereto (see columns 34-35, lines 48-9 and Figure 7).

In reference to claim 11, Nakabayashi et al. discloses all of the claim limitations as applied to claim 6 above in addition, Nakabayashi et al. explicitly discloses the parameters detected by the sensor utilized in reading out CCT of a monitor (see column 28, lines 36-50). Nakabayashi et al. also explicitly discloses the type of luminance/lamp to be selected from fluorescent, incandescent, etc and luminance level (i.e. light, normal, dark, customize) of both the level of light in the room and of the display monitor (see columns 34-35, lines 48-9 and Figure 7).

In reference to claim 16, Nakabayashi et al. discloses all of the claim limitations as applied to claim 1 above. Although Nakabayashi et al. discloses measuring the level of

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luminance information in  $\text{cd/m}^2$  (see column 51, lines 28-58 and #S3 of Figure 17 and Figure 7), Nakabayashi et al. does not explicitly disclose measuring luminance using the units of Lux. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to utilize the measurement of Lux in the luminance sensing techniques of Nakabayashi et al..

Applicant has not disclosed that specifically utilizing the units of Lux for measuring luminance data provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the utilizing of  $\text{cd/m}^2$  units to represent measured luminance of Nakabayashi et al. since the explicit units of measure utilized in such context is interpreted as a matter decided upon by the inventor and to one which best suits the application at hand. For example, one may prefer to utilize SI units of measurement versus non-SI units dependent upon the country or area of the world the invention is utilized within. Therefore, it would have been obvious to one of ordinary skill in this art to modify Nakabayashi et al. to obtain the invention as specified in claim 16.

In reference to claim 19, Nakabayashi et al. discloses an apparatus for generating illumination characteristic data around an image display device (see column 1, lines 23-29, column 34, lines 48-54 and #S1, S2, 3 of Figure 2 and Figure 7), comprising:

an illumination characteristic obtainer which obtains illumination characteristic data comprising information on a type and illuminance of illumination (see column 34, lines 48-65 and Figure 7 wherein Nakabayashi et al. discloses obtaining luminance of room light, luminance of a display monitor and lamp type data (viewing condition parameters) around or near the display monitor via a user input graphical interface. Note, the Office interprets the both the CPU

and sensor of Nakabayashi et al. to function equivalent to the “illumination characteristic obtainer” of Applicant’s claim (see #S3 of Figure 17)); and

*an illumination characteristic data generator which makes the illumination characteristic data into a data format comprising a type block and an illuminance block,*

wherein *the type block* indicates information on the type of illumination, and *the illuminance block* indicates information on the illuminance of illumination (see columns 34-35, lines 48-9 wherein Nakabayashi et al. explicitly discloses the viewing condition parameters to comprise of lamp type (i.e. fluorescent, incandescent, etc) and luminance level (i.e. light, normal, dark, customize) of both the level of light in the room and of the display monitor).

Although Nakabayashi et al. explicitly discloses obtaining luminance viewing condition parameters around a display monitor, Nakabayashi et al. does not explicitly disclose the parameters to be formatted into a type block and illuminance block via an illumination characteristic data generator, as recited in claim 19. The Office believes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the viewing condition parameters of Nakabayashi et al., which are equivalent to the type block and illuminance block data of the claim, in a single data format, using some sort of processor, that comprises lamp type information and luminance level information since the manipulation of such data into a single component/string of data would create an easier to manage, store and access data component since it is easier and faster to store/access/process lesser amounts of data (i.e. less number of data words) than a large amount of data words. Further, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the lamp type information and luminance level information obtained by Nakabayashi et al. into a single

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piece of data, grouping lamp type or related information together and luminance level or related information together. Applicant has not disclosed that specifically grouping such information together in specific blocks of data provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the view condition parameters setting techniques of Nakabayashi et al. since the exact and explicit manner in which such data is stored/grouped is seen as a matter which is decided upon by the inventor and to which best suits the hardware/software requirements of the system performing the invention at hand. Also, the Office does not see such a limitation as providing any particular criticality towards the invention at hand so that such a limitation would provide a novel aspect of the invention. Therefore, it would have been obvious to one of ordinary skill in this art to modify Nakabayashi et al. to obtain the invention as specified in claim 19.

In reference to claim 21, Nakabayashi et al. discloses all of the claim limitations as applied to claim 19 above. Nakabayashi et al. explicitly discloses the type of luminance/lamp to be selected from fluorescent, incandescent, etc which further comprises CCT (correlated color temperature) values associated thereto (see columns 34-35, lines 48-9 and Figure 7). Although Nakabayashi et al. discloses measuring the level of luminance information in  $\text{cd/m}^2$  (see column 51, lines 28-58 and #S3 of Figure 17 and Figure 7), Nakabayashi et al. does not explicitly disclose measuring luminance using the units of Lux. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to utilize the measurement of Lux in the luminance sensing techniques of Nakabayashi et al.. Applicant has not disclosed that specifically utilizing the units of Lux for measuring luminance data provides an advantage, is

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used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the utilizing of  $\text{cd/m}^2$  units to represent measured luminance of Nakabayashi et al. since the explicit units of measure utilized in such context is interpreted as a matter decided upon by the inventor and to one which best suits the application at hand. For example, one may prefer to utilize SI units of measurement versus non-SI units dependent upon the country or area of the world the invention is utilized within. Therefore, it would have been obvious to one of ordinary skill in this art to modify Nakabayashi et al. to obtain the invention as specified in claim 21.

In reference to claim 22, Nakabayashi et al. discloses all of the claim limitations as applied to claim 19 above. Nakabayashi et al. discloses, in alternate embodiments, utilizing a sensor and a user interface for obtaining luminance data (see column 24, lines 52-64, column 34, lines 48-65 and #S1, S2 of Figure 2 and Figure 7).

In reference to claim 40, Nakabayashi et al. discloses a recording medium on which illumination characteristic data comprising a data format comprising *a type block* for indicating information on a type of illumination and *an illuminance block* for indicating information on illuminance of illumination is recorded (see column 8, lines 47-57 and columns 34-35, lines 48-9 and Figure 7).

Although Nakabayashi et al. explicitly discloses obtaining luminance viewing condition parameters around a display monitor, Nakabayashi et al. does not explicitly disclose the parameters to be formatted into a type block and illuminance block, as recited in claim 40. The Office believes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the viewing condition parameters of Nakabayashi et al., which

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are equivalent to the type block and illuminance block data of the claim, in a single data format that comprises lamp type information and luminance level information since the manipulation of such data into a single component/string of data would create an easier to manage, store and access data component since it is easier and faster to store/access/process lesser amounts of data (i.e. less number of data words) than a large amount of data words. Further, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the lamp type information and luminance level information obtained by Nakabayashi et al. into a single piece of data, grouping lamp type or related information together and luminance level or related information together. Applicant has not disclosed that specifically grouping such information together in specific blocks of data provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the view condition parameters setting techniques of Nakabayashi et al. since the exact and explicit manner in which such data is stored/grouped is seen as a matter which is decided upon by the inventor and to which best suits the hardware/software requirements of the system performing the invention at hand. Also, the Office does not see such a limitation as providing any particular criticality towards the invention at hand so that such a limitation would provide a novel aspect of the invention. Therefore, it would have been obvious to one of ordinary skill in this art to modify Nakabayashi et al. to obtain the invention as specified in claim 40.

In reference to claim 42, Nakabayashi et al. discloses all of the claim limitations as applied to claim 1. Nakabayashi et al. discloses a computer-readable medium on which the invention of claim 1 is recorded as a computer-executable program (see column 8, lines 47-57).

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakabayashi et al. (U.S. Patent 6,628,822 B1) in view of Yoshida et al. (U.S. Patent 7,142,218 B2).

In reference to claim 7, Nakabayashi et al. discloses all of the claim limitations as applied to claim 6 above. Although Nakabayashi et al. discloses obtaining chromaticity and absolute luminance of ambient light and absolute luminance of the display monitor (see #S3 of Figure 17), Nakabayashi et al. does not explicitly disclose, using a sensor, obtaining information on the type of illumination and information on the illuminance of illumination. Yoshida et al. discloses an image display device and method comprising a sensor that senses the type of light (i.e. sunlight or indoor light) and the level of the light (energy and wavelength) (see column 1, lines 6-10; column 4, lines 58-61, columns 13-14, lines 63-10, column 14, lines 47-49 and Figures 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the light sensor measuring techniques of Yoshida et al. with the luminance correction processing techniques of Nakabayashi et al. in order to automatically detect the viewing environment in which a display device is viewed automatically correcting the displayed based upon the detection by sensing the specific light reflected by the display device since different types of light can be identified by detecting specific wavelength characteristics of the light (see column 3, lines 27-42 of Yoshida et al.).

In reference to claim 8, Nakabayashi et al. and Yoshida et al. disclose all of the claim limitations as applied to claim 7 above in addition, Nakabayashi et al. discloses obtaining chromaticity and absolute luminance of ambient light and absolute luminance of the display monitor using a sensor (see #S3 of Figure 17).

In reference to claim 9, Nakabayashi et al. and Yoshida et al. disclose all of the claim limitations as applied to claim 7 above. Although Nakabayashi et al. discloses measuring the level of luminance information in  $\text{cd/m}^2$  (see column 51, lines 28-58 and #S3 of Figure 17 and Figure 7), neither Nakabayashi et al. nor Yoshida et al. discloses measuring luminance using the units of Lux. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to utilize the measurement of Lux in the luminance sensing techniques of Nakabayashi et al. and Yoshida et al.. Applicant has not disclosed that specifically utilizing the units of Lux for measuring luminance data provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the utilizing of  $\text{cd/m}^2$  units to represent measured luminance of Nakabayashi et al. since the explicit units of measure utilized in such context is interpreted as a matter decided upon by the inventor and to one which best suits the application at hand. For example, one may prefer to utilize SI units of measurement versus non-SI units dependent upon the country or area of the world the invention is utilized within. Therefore, it would have been obvious to one of ordinary skill in this art to modify the combination of Nakabayashi et al. and Yoshida et al. to obtain the invention as specified in claim 9.

***Allowable Subject Matter***

10. Claims 12-15, 17, 18, 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of



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the base claim and any intervening claims. Note, claim 41 does not currently have an applied prior art rejection however is rejected under 35 USC 101.

In reference to claims 12-15, 23 and 24, the prior art of record does not explicitly disclose including in the illumination type block data, a flag to indicate whether data in a type payload is a color temperature value or a chromaticity value in combination with the further limitations of the above mentioned claims along with all of the limitations of their independent claims, from which they depend upon.

In reference to claims 17 and 18, the prior art of record does not explicitly disclose including in the illumination type block data, a flag to indicate whether data in a type payload is a numerical value or a semantic value in combination with the further limitations of the above mentioned claims along with all of the limitations of their independent claims, from which they depend upon.

### ***References Cited***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Hidaka et al. (U.S. Patent 6,373,531)
  - Hidaka et al. disclose an image processing apparatus and method which determines an adaptation ratio of a reference white color value with respect to at least two white color values.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**571-273-8300 (Central Fax)**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

aac  
  
9/20/07